

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Institution Investigation Into the Adequacy of the Southern California Gas Company's and San Diego Gas & Electric Company's (SDG&E) Gas Transmission Systems to Serve the Present and Future Gas Requirements of SDG&E's Core and Noncore Customers.

Investigation 00-11-002
(Filed November 2, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING JOINT MOTION OF CABRILLO I, LLC, CABRILLO II, LLC,
AND DUKE ENERGY FOR ORDER SHORTENING TIME FOR
RESPONSE TO PETITION FOR MODIFICATION OF DECISION 02-11-073
AND FOR AN ORDER SHORTENING THE PUBLIC COMMENT PERIOD**

Summary

This Administrative Law Judge (ALJ) ruling denies the motion of Cabrillo I, LLC, Cabrillo II, LLC (Cabrillo) and Duke Energy North America (Duke) for (1) an order shortening time to the response period to the Petition for Modification filed simultaneously with this motion and (2) either eliminating or reducing the public review and comment period on a Commission decision.

Background

On November 21, 2002, the Commission issued Decision (D.) 02-11-073. On January 30, 2003, Cabrillo and Duke filed a Joint Petition for Modification (Petition) of D.02-11-073, with an accompanying Joint Motion for an Order Shortening Time for Response to the Petition and for Waiver or Shortening of Comment Period.

On February 4, 2002, San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas) filed a response strongly opposing both the request for an order shortening the response period to the Petition, and the request to shortening or waive the public comment period.

Motion

Cabrillo and Duke set forth the grounds for their joint Petition to Modify D.02-11-073, which is that unless the open season protocols set forth in D.02-11-073 are modified, Cabrillo and Duke will be prevented from burning backup fuel oil in the event of natural gas curtailments; electricity will cost more; and the value of firm capacity obtained in the open season will be diminished. Cabrillo and Duke argue that unless the time for responses to the Petition is shortened and the public comment period is waived or reduced, the SDG&E open season will close on March 3, 2003, before D.02-11-073 can be modified.

Discussion

SDG&E and SoCalGas argue that there is no “emergency” that justifies shortening the response period or waiving or reducing the public comment period. Specifically, the Commission issued D.02-11-073 on November 21, 2002, and Cabrillo and Duke were silent until January 30, 2003. There have been no new relevant facts that have arisen since November that were not evident at that time, that now support limiting the opportunity of parties, and then the public, to comment on Cabrillo and Duke’s proposed modifications.

The Commission agrees with the utilities and further finds that a full briefing by all stakeholders on the proposed modifications will allow the Commission to make an informed decision on the Petition.

IT IS RULED that the Motion for an Order Shortening Time and Waiving or Reducing the Public Comment Period filed on January 30, 2003, by Cabrillo I, LLC, Cabrillo II, LLC and Duke Energy North America is denied.

Dated February 21, 2003, at San Francisco, California.

/s/ CAROL BROWN

Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Joint Motion of Cabrillo I, LLC, Cabrillo II, LLC, and Duke Energy for Order Shortening Time for Response to Petition for Modification of Decision 02-11-073 and for an Order Shortening the Public Comment Period on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated February 21, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.